

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Chevron Products Company,

Complainant,

vs.

Equilon Enterprises LLC, dba Shell Oil Products
US, and Shell Trading (US) Company,

Defendants.

Case 05-12-004
(Filed December 5, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING STAY OF DISCOVERY AND DENYING MOTION
FOR DECLARATION REGARDING ARBITRATION**

Defendants request an order temporarily staying discovery pending what they claim will be a dispositive motion to dismiss that is to be filed no later than April 6, 2006. They state that the motion to dismiss will be based principally on the doctrines of res judicata and judicial estoppel and will rely on a 1994 California Court of Appeal decision that defendants contend addresses the same claims raised in this complaint.

Defendants contend that a temporary stay of discovery is necessary because complainant has substantially expanded the scope of its discovery, including depositions of five individuals and the defendants and two additional data requests seeking documents generated over a 10-year period.

Based on defendants' representation that their motion to dismiss may resolve this complaint and avoid the time, expense and disruption of intensive discovery, this ruling temporarily stays further discovery pending its resolution of the motion to dismiss, following its receipt and the receipt of responses to that motion.

Defendants also request a declaration by this Commission confirming an arbitration award between the parties and, pursuant to that award, requiring plaintiff to arbitrate its claims rather than pursue those claims in this proceeding. As plaintiff notes, the complaint alleges that defendants operate a public utility pipeline (rather than a proprietary pipeline) subject to the jurisdiction of this Commission. The arbitration award did not address that issue. Moreover, as defendants concede, a motion for compelling arbitration among parties that are not public utilities is a matter for the civil courts rather than this Commission. Accordingly, the motion for an order confirming and requiring adherence to an arbitration award is denied.

IT IS RULED that:

1. The motion to temporarily stay discovery pending a decision on a motion to dismiss to be filed no later than April 6, 2006, is granted.
2. The motion for a declaration regarding arbitration is denied.

Dated April 3, 2006, at San Francisco, California.

/s/ GLEN WALKER
Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Stay of Discovery and Denying Motion for Declaration Regarding Arbitration on all parties of record in this proceeding or their attorneys of record.

Dated April 3, 2006, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.